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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paulsen et al.

Attorney Docket No.: IGT1P267/P-577 (formerly 29757/P-577)

Application No.: 09/964,962

Examiner: Nguyen, DAT

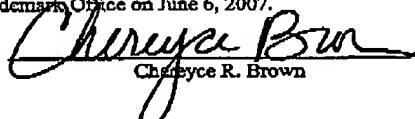
Title: GAMING MACHINE REEL HAVING A
FLEXIBLE DYNAMIC DISPLAY

Group: 3714

Confirmation No.: 2536

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this correspondence is being transmitted
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Signed:



Chareyce R. Brown

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22314

Dear Sir:

Applicants hereby request review of the final rejections in the above-identified application. Review is requested for the reasons stated in the accompanying five-page Remarks Section.

This Request is being filed with a Notice of Appeal.

No amendments are being filed with this Request.

REMARKS

Claims 27-31, 33-36, 38-43, 45-76 and 78-86 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Griswold et al. (6,027, 115) in view of Acres, et al. (6,008,784) in view of Universal Display: FOLED Technology (Universal Display) in further view of Business Week 2000: The tube (Business Week).

Claims 32, 37, 44 and 77 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Griswold et al. (6,027, 115) in view of Acres, et al. (6,008,784) in view of Universal Display: FOLED Technology in further view of Business Week 2000: The tube and in further view of Fletcher.

Applicants note that these rejections are identical to those from the previous Office Action, in particular, the rejection as stated in office action paper no. 050220006 (previous office action) is maintained and incorporated by reference in the office action including the final rejection mailed 12/07/06 (current office action). Applicant notes that the current limitations of the pending claims are different than the limitations that were before the Examiner in the previous office action. Thus, the previous office action that is incorporated by reference doesn't address all of the limitations of the pending claims.

Applicants respectfully submit that the combination of Griswold, Acres, Universal Display and Business Week or Griswold, Acres, Universal Display and Business Week or Griswold, Acres, Universal Display and Business Week and Fletcher do not teach or suggest all the claim elements of the pending claims. MPEP 2143.03 states that to establish prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Further, MPEP 2143.03 states that all the words in a claim must be considered in judging the patentability of that claim against the prior art.

The current claims , such as described in claim 1, provide a gaming apparatus comprising: 1) a housing; 2) a value-input device for receiving a medium of value; 3) an input device for receiving a wager; 4) a reel rotatable about an axis, said reel comprising; 5) a motor capable of rotating said reel and operatively coupled to a controller; 6) a support mechanism having an outer circumferential region; 7) a flexible display mounted on said outer circumferential region of said support mechanism, 8) a display driver, 9) a controller and 10) memory adapted for storing programming instructions or information for generating the game play indicia including the indicium. The controller is operable" to i) detect a deposit of a medium of value ii) detect a wager; iii) cause said indicium to be displayed on said

flexible display; iv) cause said motor to spin said reel; v) cause said motor to stop said reel; vi) determine a value associated with an outcome of a wager-based game played on the gaming apparatus, vii) select from a plurality of game play indicia the indicium to display on the flexible display wherein combinations of a selected set of game play indicia including the indicium are used to display outcomes for a slot game played on the gaming machine using the reel and the flexible display and viii)dynamically change the indicium displayed on the flexible display during the operation of the gaming apparatus such that a first indicium displayed at a first time on the flexible display is removed from the flexible display at a later time."

Griswold, as recited in the Background of present application, describes a reel with electroluminescent display elements. The electroluminescent elements are formed in a fixed pattern to form gaming symbols. These symbols rotate as the reel rotates. However, to change the gaming symbols, the reels must be physically replaced. Further, the number of symbols on the reels is fixed. Thus, Griswold can't be said to teach or suggest a controller operable to "select from a plurality of game play indicia the indicium to display on the flexible display wherein combinations of a selected set of game play indicia including the indicium are used to display outcomes for a slot game played on the gaming machine using the reel and the flexible display and viii)dynamically change the indicium displayed on the flexible display during the operation of the gaming apparatus such that a first indicium displayed at a first time on the flexible display is removed from the flexible display at a later time."

Examiner states in the last office action that,

Applicant alleges Griswold et al. doesn't disclose changing the gaming symbols because the electroluminescent are fixed. Examiner agrees, however, one must consider the combination in its entirety; in which case the combination of prior art would provide such a capability.

Thus, it appears that Examiner agrees that Griswold doesn't teach or suggest the limitations of the pending claims cited above.

Acres teaches a display with LEDs arranged around a curve but the display does not rotate. Further, the display is not flexible. The reference mentions displaying alpha-numeric data for a jackpot/bonus or other promotions on the LED display arranged around a curve (see Fig. 2).

The LED display is intended as a secondary display for drawing attention to special promotions, such as bonus jackpots (see background) and is intended to be used in conjunction with a main display. The main display is for displaying the outcome to a game of

chance not the LED display. It is not taught in Acres that the LED display would be connected to a game controller so that an outcome to a slot game could be displayed on the display (e.g., displaying indicia associated with a slot game and simulating a rotation of said indicia to simulate a slot game) nor would one of the skill of the art see it as useable for this purpose because of the limited resolution of the LED display described in Acres.

The Acres reference doesn't mention displaying symbols for a slot game or any slot game applications on the LED display much less selecting or changing symbols related to the play of slot game. Thus, the Acres reference can't be said to teach or suggest a controller operable to "select from a plurality of game play indicia the indicium to display on the flexible display wherein combinations of a selected set of game play indicia including the indicium are used to display outcomes for a slot game played on the gaming machine using the reel and the flexible display and viii)dynamically change the indicium displayed on the flexible display during the operation of the gaming apparatus such that a first indicium displayed at a first time on the flexible display is removed from the flexible display at a later time."

Examiner in the current office action doesn't point out where the limitations recited in the previous paragraph are taught or suggested in Acres. *In addition, the combination of Griswold and Acres wouldn't operate for its intended purpose because the LED display in Acres is clearly shown bolted in place, which prevents any movement of the LED display.* Thus, the combination of Griswold and Acres wouldn't provide "a reel rotatable about an axis, said reel comprising; 5) a motor capable of rotating said reel and operatively coupled to a controller; 6) a support mechanism having an outer circumferential region; 7) a flexible display mounted on said outer circumferential region of said support mechanism" as recited in the pending claims.

Universal display and Business Week describe flexible displays. Neither reference makes any mention of their application to gaming. Examiner describes in the previous office action Fletcher as teaching "The central server is a remote device that displays games selected from the player on each player's respective gaming machines, where information is inherently sent in order to run the game on the gaming machine and display the game play indicia." Slot games are not described in Fletcher. Thus, Universal Display, Business Week or Fletcher alone or in combination doesn't teach or suggest a controller operable to "select from a plurality of game play indicia the indicium to display on the flexible display wherein combinations of a selected set of game play indicia including the indicium are used to display outcomes for a slot game played on the gaming machine using the reel and the flexible

display and viii) dynamically change the indicium displayed on the flexible display during the operation of the gaming apparatus such that a first indicium displayed at a first time on the flexible display is removed from the flexible display at a later time."

Since the references cited in the rejection alone or in combination don't teach or suggest all of the limitations of the pending claims and, further, since the combination would be inoperable for its intended purpose, for at least these reasons, Applicant asserts that a prima facie case of obviousness hasn't been established and the rejections of the pending claims are improper. In view of the foregoing, it is respectfully submitted that the rejections of all pending claims should be withdrawn.

CONCLUSION

Applicants respectfully submit that all claims are in proper form and condition for patentability, and request a Notification of Allowance to that effect. If any fees are due in connection with this Response to Office Action or for this application in general then the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0388, referencing Docket No. IGT1P267. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number below with any questions or concerns relating to this document or application.

Respectfully Submitted,
BEYER WEAVER & THOMAS, LLP



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